HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.21481 of 2003

Dated 8th day of August, 2007

Between:

Style Lamp Industries,
Rep. By V.Satyanarayana Murthy,
Executive, Rayalam village ..
Petitioner

And

The Collector,
Panchayat Wing, Eluru,
West Godavari DIstrict
and six others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondent-authorities in not calling for tenders for purchase of electrical items from the petitioner-industry, as arbitrary and illegal, and consequently direct the respondents to call for tenders for purchase of electrical requirements in accordance with G.O.Ms.No.48, dated 20.2.1999 and Memo dated 27.5.1994.

The case of the petitioner-small-scale industry is that it is engaged in the manufacture of electrical goods and supplies them to various organizations including Government organizations. Now, the grievance of the petitioner is that the Gram Panchayats which are located in and around the place where his industry is located, are not placing orders with the petitioner, but are calling for tenders from outsiders for purchase of electrical items.

The respondents have filed counter *inter alia* denying the averments made in the affidavit filed in support of the writ petition and stated that if the Gram Panchayats are interested to purchase electrical goods from the petitioner-industry there is no objection to the respondents, but the petitioner cannot insist on the respondents-Gram Panchayats to purchase the goods from it only.

Heard the learned counsel for both the parties.

In order to encourage the establishment and growth of local small-scale industrial units the Government issued orders and instructions from time to time providing various facilities and concessions such as price and purchase preference for marketing the

goods manufactured by local small scale industrial units. In that context, the Government issued G.O.Ms.No.48 dated 20.2.1999, and according to Clause (g) of the G.O., the purchasing departments are directed to buy their requirements from other sources in respect of 17 reserved items only if A.P. State Small-scale Industrial Development Corporation issues a non-availability certificate for the items reserved for exclusive purchase from the registered small-scale industrial units. Evidently, the petitioner is the manufacturer of electrical chokes, condensers, starters and fittings which are included at item No.5 of the list of items. This fact is not controverted by the learned Government Pleader and his only submission is that if the petitioner-industry is one of those listed small-scale industries, then definitely, the gram panchayats are also under an obligation to purchase the items from the petitioner as per G.O.Ms.No.48.

In the result, this writ petition is allowed and the respondents-Gram Panchayats are hereby directed to consider the feasibility of purchasing the electrical goods only from the petitioner-industrial unit in terms of G.O.Ms.No.48, dated 20.2.1999. No costs.

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bcj 08.08.2007